

REMARKS

Claims 1-41 were submitted for examination. The present response cancels claims 1-41 and adds claims 42-56. Claims 42-56 have been added to define additional protectable subject matter. After the present claim cancellations and additions, claims 42-56 now remain pending in the application.

In view of the present cancellation of claims 1-41, the rejections of claims 1-41 under 35 U.S.C. §§ 101, 103(a) are moot.

New Claims

The cancelled claims 1-20, 24-26, and 30-41 were rejected under 35 U.S.C. § 101 for claiming an invention directed to non-statutory subject matter. The new claims 42-56 cure this deficiency by complying with the Examiner's suggestions to recite computer-implemented method steps and computer-readable data storage medium in claims 42-49 and 53-56, respectively. Claims 50-52 recite a computer-based system and, hence, also comply with 35 U.S.C. § 101.

The cancelled claims 1-41 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 5,799,286 to Morgan et al. ("Morgan") in view of U. S. Patent No. 6,115,691 to Ulwick ("Ulwick"). Based on the discussion below, Applicants assert that the subject matter recited in added claims 42-56 would not have been obvious under Morgan in view of Ulwick at the time of the invention. Thus, claims 42-56 satisfy the non-obviousness requirement of 35 U.S.C. § 103(a).

Morgan teaches an automated activity-based management system and method. The traditional ledger accounting information generated by a business organization is used along with information directed to activities, equipment usage and facilities utilization to generate costs associated with activities performed by the organization. In Morgan, a computer workstation with a graphical user interface is used to accept entries of activity information. The activity information and traditional accounting information are fed to a relational database. The

information is processed and costs associated with the employee, facilities, equipment, and overhead components of activities are computed. User-definable ad-hoc reports as well as preformatted reports for trending, forecasting, comparison, benchmarking, and budgeting purposes are generated.

Ulwick teaches a computer-based process for strategy evaluation and optimization. A computer-readable program product contains instructions for directing a computer to evaluate data for optimizing strategic options. A data storage stores data relating to specific desired outcomes relating to a specific process for an identified customer set. The data storage further stores data relating to metrics which predict the satisfaction of the desired outcomes. A data processing unit quantifies the degree to which each of the metrics predicts satisfaction of each of the customer desired outcomes. An input unit allows strategic options to be defined, each of the strategic options designed to satisfy the customer desired outcomes. The data processing unit quantifies the degree to which each of the strategic options satisfy the customer desired outcomes. A plurality of strategic options are then evaluated to yield a strategic option that best satisfies the customer desired outcomes.

The new method claim 42 recites a combination of computer-implemented method steps that is neither taught nor suggested by Morgan or Ulwick, either applied individually or in combination. More specifically, claim 42 recites a computer-implemented method of managing a process, which requires, in combination, "identifying activities that comprise the process; identifying measurable drivers for each of the activities; identifying bridge variables, wherein each bridge variable is a driver that is relevant to more than one of said activities; establishing a relationship between various drivers by representing each non-bridge variable driver in terms of one or more of said bridge variables only; using said relationship, representing each of said activities at least as a function of one or more of said bridge variables, thereby reflecting interdependence between said activities; and generating a model of said process at least as a function of said bridge variables by combining representations of all activities comprising said process. "

Based on the recitation of the combination of claim steps in claim 42 given above, Applicants assert that neither Morgan nor Ulwick, either alone or in combination, teach or suggest the combination of computer-implemented claim steps recited in claim 42. For example, in the portions of Morgan and Ulwick cited by the Examiner, Applicants fail to find a teaching or suggestion of identification of bridge variables and establishment of a relationship between various drivers by representing each non-bridge variable driver in terms of one or more of the bridge variables only, as required in the combination of method steps recited in claim 42. Therefore, Applicants assert that claim 42 satisfies the non-obviousness requirement of 35 U.S.C. § 103(a) and, hence, is allowable. Other added independent claims, i.e., claims 50 and 53, contain at least limitations similar to those recited in claim 42. Therefore, based on the discussion of patentability of claim 42, Applicants also assert that new independent claims 50 and 53 are also patentable.

The added dependent claims 43-49, 51-52, and 54-56 depend from respective allowable independent claims 42, 50, and 53 and, hence, are also not rendered obvious by the combination of Morgan and Ulwick. Therefore, consideration and allowance of new dependent claims 43-49, 51-52, and 54-56 is respectfully requested.

Appl. No.: 09/648,861
Docket No.: DB000877-000
Amdt. Dated: April 2, 2004
Reply to Office action of October 3, 2003

CONCLUSION

In the present response, in view of claim cancellations and additions, all rejections to the claims in the Office Action of October 3, 2003 are believed to have been addressed. Applicant therefore asserts that all pending claims (i.e., claims 42-56) are in condition for allowance and a notice by the Office to this effect is respectfully requested. If the Examiner has any questions, comments or suggestions, the undersigned Attorney earnestly requests a telephone conference at the Examiner's convenience.

Respectfully submitted,



Abhijat Parikh
Reg. No. 49,086
Thorp Reed & Armstrong LLP
One Oxford Centre, 14th Floor
Pittsburgh, PA 15219-1425
(412) 394-2478

Dated: 4/2/2004

Attorneys for Applicants